



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR SUMMARY ACTION TELECONFERENCE MEETING **Held at 12:00 p.m. on Tuesday, February 21, 2006** **9545 E. Doubletree Ranch Road • Scottsdale, Arizona**

Board Members

Robert P. Goldfarb, M.D., Chair
William R. Martin III, M.D., Vice Chair
Douglas D. Lee, M.D., Secretary
Patrick N. Connell, M.D.
Ronnie R. Cox, Ph.D.
Tim B. Hunter, M.D.
Becky Jordan
Ram R. Krishna, M.D.
Lorraine L. Mackstaller, M.D.
Sharon B. Megdal, Ph.D.
Dona Pardo, Ph.D., R.N.
Paul M. Petelin Sr., M.D.

CALL TO ORDER

Robert P. Goldfarb, M.D. called the meeting to order at 12:00 p.m.

ROLL CALL

The following Board Members were present: Patrick N. Connell, M.D., Robert P. Goldfarb, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Douglas D. Lee, M.D. William R. Martin, III, M.D., Sharon B. Megdal, Ph.D., and Dona Pardo, R.N., Ph.D. Lorraine Mackstaller, M.D. joined the teleconference at 12:07 p.m.

The following Board Members were not present: Ronnie R. Cox, Ph.D. and Paul M. Petelin, M.D.

CALL TO THE PUBLIC

No one was present for the call to the Public.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	RESOLUTION
1.	MD-06-0164A	AMB	LANCE A. MAY, M.D.	34267	Summary Suspension

Neither Lance A. May, M.D. nor his legal counsel was present.

Vicky Johansen, Senior Medical Investigator presented the case to the Board. On June 27, 2005 Dr. Lance A. May was issued an Arizona Medical Board license. On February 14, 2006 the Board received notice that Dr. May's California license was suspended due to action taken by another Board/Agency. On March 2, 2005 Dr. May appeared in person before the Texas Medical Board in response to a complaint filed with their agency against Dr. May's license. On April 22, 2005 Dr. May applied for an Arizona medical license. On his application, Dr. May answered "No" to the following questions:

13. "Have you ever been found to be in violation of any statute, rule or regulation of any domestic or foreign governmental agency?"
15. "Are you currently under investigation by any medical board or peer review body?"
23. "Have you been found guilty or entered into a plea of no contest to a felony or misdemeanor involving moral turpitude in any state?"
24. "Do you have or have you had within the last five years any medical condition that in any way impairs or limits your ability to safely practice medicine?"
25. "Within the last five years, have you been diagnosed, treated or admitted to a hospital or other facility for the treatment of bipolar disorder, schizophrenia, paranoia or any psychotic disorder?"

Dr. May failed to disclose his August 2004 conviction in Seoul, South Korea for sexual abuse of a child and his diversion of opiates; that he was currently under investigation by the Texas Medical Board and Washington Medical Board; that he had previously been treated in

2003 for a medical condition that impaired or limited his ability to practice safely, specifically sexual addiction and chemical dependency. Had Dr. May answered the questions appropriately his license application may have been denied.

On his application to the Board Dr. May swore under oath that all the information contained in his application was true and correct. Dr. May acknowledged that falsification or misrepresentation of any item or response on his application was adequate to deny the same or to hold a hearing to revoke the same, if issued. On June 22, 2005 Dr. May's application for licensure was approved. On October 31, 2005 the Texas Board entered into an Agreed Order with Dr. May, suspending his Texas license pending terms that included completion of psychological and neuropsychiatric evaluations, addressing Dr. May's current mental and physical status and clearly indicating that Dr. May is able to practice medicine safely. On November 30, 2005 the Order was approved by the Texas Board. On December 9, 2005 the Washington Department of Health Medical Quality Assurance Commission filed a Statement of Charges as a result of the Texas action and convictions in South Korea. The investigation is still pending. On January 27, 2006 the California Medical Board sent Dr. May notice that his California Medical license was immediately suspended due to the suspension of his Texas license. In a February 16, 2006 phone interview with Board Staff Dr. May admitted he had been arrested/charged with diverting drugs and child sexual abuse.

Dr. May reported that his license was suspended in California and Texas for an investigation that began in March 2004 in Washington for his August 2004 conviction in Seoul, South Korea for drug diversion and child sexual abuse. He denied being ordered to attend any type of counseling or education as part of his probation. Dr. May stated that his license was currently expired in Pennsylvania and Georgia and was not sure if the Medical Boards are aware of the convictions or actions taken by Texas, California, or Washington. Dr. May admitted that in 2003, while working in a Korean hospital as a civilian physician with the Army, he was caught diverting Tylox through the Pyxis system in the hospital. Dr. May went to Del Amo Hospital in Torrance, California for a 28 day rehabilitation program from November 2003 to December 2003. After his program was complete, he went back to South Korea.

When he went back to South Korea, Dr. May was charged with child sexual abuse for "retracting the foreskin of his 18 month old adopted son during a bath." Dr. May reported to Board Staff that in 1998, he was also arrested/charged with solicitation of a prostitute with a government credit card. Dr. May was required to complete a sexual addiction program to avoid the charge of being reported on his criminal history record. Dr. May denied having any sexual or drug addictions. On February 17, 2006 Dr. May told Board Staff that the treatment program he completed in December 2003 was also for sexual addiction. Dr. May reported that as part of his aftercare he was required to continue with psychological counseling with someone specialized in psychosexual addictions and complete a 12 step program. Dr. May admitted that he did not follow the recommendations. Dr. May admitted that he did not answer all of the questions on the Arizona application appropriately.

Dr. Mackstaller joined the teleconference at 12:07 p.m.

Dr. Goldfarb asked if any Board members had any questions of Board Staff.

Dr. Hunter stated that he had two minor concerns. He stated that he was not aware that sexual addiction was established as a recognized diagnosis. He asked if any members of Staff were aware of whether or not sexual addiction is indeed an established diagnosis. The other concern was regarding why none of the convictions were picked up during the initial application screening process.

Timothy C. Miller, Executive Director stated that sexual addiction is not in the DSM IV as an established diagnosis.

Dr. Hunter stated that it may have been the time frame that the application was processed that caused the delay in information regarding this physician's issues. Dr. Hunter expressed his concern with the physician's behavior. He was also concerned that Dr. May's convictions or suspensions from the other states were not considered during Board's initial licensure application process.

Christine Cassetta, Legal Advisor stated that because Dr. May answered "No" to the questions on the application, Board Staff had no additional way to find out that there was an outstanding problem because the action had not been reported to the National Practitioner's Data Bank at the time he applied for a license and the NPDB query did not reveal this information.

William R. Martin, III, M.D. asked if a routine background check is done on all licensure applicants or only the applicants that answer "Yes" to any questions on the application.

Ms. Cassetta stated that Board Staff reviews an application and if a "Yes" answer is revealed then Staff will obtain the relevant documentation and investigate the case. As far as a background check Staff solicits information from residency programs, the physician's previous employment, the National Practitioner's Data Bank, and the Federation of State Medical Boards. This information was obtained by Staff during the licensure process, but none of the information regarding Dr. May's actions was contained in the documents.

Dr. Martin stated that if the physician had problems in South Korea as part of his employment; the information regarding those problems should have come forward.

Ms. Cassetta stated that if the doctor had answered "yes" and if Staff was aware of that particular employer then a certification would have been filled out. Staff will have to look into whether the Board was aware of that employer and what the employer said regarding Dr. May. Ms. Cassetta noted the employer appears to have been the United States Army.

Robert P. Goldfarb, M.D. expressed concern with respect to the Board's procedure for reviewing an application. He stated that an investigation should be done even when an applicant answers "No" to a question. Dr. Goldfarb is now aware that the Board can check the Federation of State Medical Boards, but he felt that even when an applicant answers "No" to a question on the application that the National Practitioner's Data Bank and the Federation of Medical Boards should be queried.

Mr. Miller stated that all applicants are queried through the National Practitioner Data Bank, Federation of State Medical Boards and all sources of verification are checked regardless of the applicant's answers on the application. In Dr. May's case none of his issues had been publicized in a report with the National Practitioner's Data Bank until after Dr. May was approved for a license.

Douglas D. Lee, M.D. questioned some dates on the National Practitioner's Data Bank report and noted that it appeared the action taken by the Army did not appear to have been reported for over a year. Mr. Miller stated that Staff will look into exactly how the dates correlate with one another. However, in this case it was clear that the doctor's application date was April 22, 2005 and that the application was received before the report was made public with the National Practitioner's Data Bank.

Dr. Krishna asked if the doctor could be revoked as a result of knowingly falsifying his application and later admitting to the falsification, or can the Board members could only issue summary suspension.

Dean Brekke, Assistant Attorney General stated that if the doctor receives summary action he is entitled to a hearing on all allegations even those allegations that he has admitted to and that the summary suspension would prompt a formal hearing for revocation.

Dr. Krishna asked if the case would be sent to formal hearing immediately. Ms. Cassetta stated that if the Board was to take summary action today the case will go immediately to formal hearing.

MOTION: Ram R. Krishna, M.D. moved to summarily suspend the license of Lance A. May, M.D. because of an imminent threat to the public A.R.S. §32-1401(27)(d) - Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by any court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission; 32-1401(27)(f) - Habitual intemperance in the use of alcohol or habitual substance abuse; 32-1401(27)(o) - Action that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of medicine, the doctor's medical incompetence or for unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by that jurisdiction; 32-1401(27)(q) - Any conduct or practice that is or might be harmful or dangerous to the health of the patient or the public; 32-1401(27)(aa) - Procuring or attempting to procure a license to practice medicine or a license renewal by fraud, by misrepresentation or by knowingly taking advantage of the mistake of another person or an agency; 32-1401(27)(jj) - Knowingly making a false or misleading statement to the board or on a form required by the board or in a written correspondence, including attachments, with the board; and 32-1451(A).

SECONDED: William R. Martin, III, M.D.

ROLL CALL VOTE: Roll call vote was taken and the following Board Members voted in favor of the motion: Patrick N. Connell, M.D., Robert P. Goldfarb, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Douglas D. Lee, M.D., Lorraine Mackstaller, M.D., William R. Martin, III, M.D., Sharon B. Megdal, Ph.D., Dona Pardo, R.N., Ph.D. The following Board Members were absent: Ronnie R. Cox, Ph.D., Paul M. Petelin, Sr., M.D.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 2-absent

Motion Passed.

The meeting adjourned at 12:15 p.m.



[Seal]

A handwritten signature in black ink, appearing to read "Timothy C. Miller".

Timothy C. Miller, J.D., Executive Director